

APPLICATION 14859, PERMIT 16598

PERMIT AMENDED

SEE WR ORDER 95-6

ISSUED JUNE 8, 1995

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 14859

PERMIT 16598

LICENSE _____

ORDER CORRECTING THE STATUS OF THE
OPERATION AGREEMENT FOR NEW MELONES AND
TULLOCH DAMS AND RESERVOIRS

WHEREAS:

1. Permit 16598 was issued to the U. S. Bureau of Reclamation on July 19, 1973 pursuant to Application 14859.
2. An "Agreement and Stipulation" dated August 30, 1988 was executed by the Permittee, Oakdale Irrigation District and South San Joaquin Irrigation District. Therefore a correction to Condition 24 of the permit is required.
3. The State Water Resources Control Board has determined that said correction will not initiate a new right nor operate to the injury of any other lawful user of the water and that good and sufficient cause has been shown for said correction.
4. Permit Condition 10 pertaining to the continuing authority of the Board should be updated to conform to Standard Permit Term 12 as contained in Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 24 of this permit shall be amended to read as follows:
 24. This permit shall be subject to the following agreements between the Permittee and other parties:
 - (A) The "Agreement and Stipulation" dated August 30, 1988 and executed by the Permittee, Oakdale Irrigation District and South San Joaquin Irrigation District.
 - (B) The agreement between the Permittee and Tuolumne County Water District No. 2 dated November 29, 1972.
 - (C) The agreement dated July 31, 1972 between Permittee and Calaveras County Water District.

Reference to the above three agreements shall not be construed as a finding by the State Water Resources Control Board with respect to the rights of any of the parties involved.

2. Condition 10 of the permit be amended to read:


Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: NOVEMBER 02 1988


Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 14859

PERMIT 16598

LICENSE _____

ORDER CORRECTING A TYPOGRAPHICAL ERROR
IN THE INITIAL FILING DATE ON THE AMENDED PERMIT

WHEREAS:

1. When Amended Permit 16598 was issued, a typographical error showed the initial filing date as March 11, 1980. The actual filing date was June 16, 1952.

NOW, THEREFORE, IT IS ORDERED THAT:

Amended Permit 16598 be corrected to show the initial filing date of Application 14859 to be June 16, 1952.

Dated: OCTOBER 9 1984

L. D. Johnson
for Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

AMENDED PERMIT 16598

Application 14859 of U. S. Department of the Interior,
Bureau of Reclamation, Region 2
2800 Cottage Way, Sacramento, California 95825

filed on June 16, 1952, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source: Stanislaus River
Tributary to: San Joaquin River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridan
New Melones Dam - North 29° 34' East, 1,075 feet from SW corner of Section 11	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	11	1N	13E	MD

Counties of Calaveras and Tuolumne

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridan	Acres
Power	New Melones Power Plant in NE $\frac{1}{4}$ of NE $\frac{1}{4}$	15	1N	13E	MD	

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 6,000 cubic feet per second by direct diversion to be diverted from January 1 to December 31 of each year and 980,000 acre-feet per annum by storage to be collected from November 1 of each year to June 30 of the succeeding year to be used for power purposes.

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Complete application of the water to the proposed use shall be made on or before December 1, 1990. (0000009)

8. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board reasonable access to project works to determine compliance with the terms of this permit. (0000011)

9. Progress reports shall be submitted promptly by Permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

10. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable methods of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of Permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (0000012)

11. In compliance with Fish and Game Code Section 5943, Permittee shall accord to the public, for the purpose of fishing, reasonable right of access to the waters impounded by the dam under this permit during the open season for the taking of fish, subject to the regulations of the Fish and Game Commission. (0030064)

12. Permittee shall install and maintain an outlet pipe of adequate capacity in his dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoir which is not authorized for appropriation under this permit may be released. (0050043)

13. In accordance with the requirements of Water Code Section 1393, Permittee shall clear the site of the reservoir of all structures, trees and other vegetation which would interfere with the use of the reservoir for water storage and recreational purposes. This provision, however, shall not preclude the Permittee from retaining vegetation cover in selected areas as required for the protection of wildlife. Clearing operations shall be coordinated with authorized increases in storage levels. (0120050)

14. Rights under this permit are, and shall be, subject to existing rights determined by the Stanislaus River Adjudication, Superior Court, San Joaquin County dated November 14, 1929, Action No. 16873 with supplemental decrees dated February 24, 1930; March 8, 1934; May 8, 1935 and November 29, 1960, insofar as said adjudicated rights are maintained, and such other rights as may presently exist. (0000023)

15. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the Permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

16. In order to prevent degradation of the quality of water during and after construction of the project, Permittee shall file a report pursuant to Water Code Section 13260 and shall comply with any waste discharge requirements imposed by the California Regional Water Quality Control Board, Central Valley Region Region, or by the State Water Resources Control Board. (0000100)

17. Permittee shall impound in new Melones Reservoir such water as is necessary to provide (a) not in excess of 98,000 acre-feet per annum for the preservation and enhancement of fish and wildlife to be released at a rate specified by the California Department of Fish and Game, plus (b) such additional water as is necessary to maintain the water quality conditions set forth in Paragraph 19. The above amounts are in addition to water stored for satisfaction of prior rights at existing Melones Reservoir and for flood control. The Board reserves jurisdiction for the purpose of establishing dry year criteria. (0400600)

18. Permittee shall file with the Board a reservoir operation study showing the water level elevations required to provide the yield specified in Paragraph 17. A reservoir operation schedule shall be submitted by the Permittee which shall be subject to approval of the Board. The study shall be updated at least once every five years until further order of the Board. (0000300)

19. Releases of conserved water from New Melones Reservoir for water quality control purposes shall be scheduled so as to maintain a mean monthly total dissolved solids concentration in the San Joaquin River at Vernalis of 500 parts per million or less and a dissolved oxygen concentration in the Stanislaus River as specified in Water Quality Control Plan (interim), San Joaquin River Basin 5c, State Water Resources Control Board, June 1971.

In the event that the water quality control plan (interim) is amended or superseded, the foregoing water quality objectives shall be modified to conform to then current criteria. (0400500)

20. The State Water Resources Control Board reserves jurisdiction over this permit for the purpose of revising water release requirements for water quality objectives and fish releases and for establishing dry year criteria pursuant to studies to be conducted by the Permittee and other parties in an effort to better define water needs. (0400600)

21. Permittee shall file with the Board at least biennially a report of water diversions and use along the Stanislaus River and San Joaquin River between New Melones Dam and the Vernalis Gage which will show any increased diversions subsequent to the beginning of releases of water under this permit, which diversions may be encroaching on the water supply provided for preservation and enhancement of fish and wildlife and for water quality control, and will show what steps, if any, Permittee is taking to prevent any such encroachment. (0390500)

22. Permittee shall file with the Board an annual report showing (a) daily storage level in New Melones Reservoir, (b) daily record of total dissolved solids at Vernalis, and (c) daily record of minimum dissolved oxygen level for the day at Ripon or at an alternate location approved by the Board. (0110500)

23. This permit shall be subject to appropriation by storage upstream from New Melones Reservoir for stockwatering and recreational purposes, provided the individual capacities of reservoirs for such purposes do not exceed 10 acre-feet and the reservoirs are kept free of phreatophytes. (0460800)

24. This permit shall be subject to the following agreements between the Permittee and other parties:

- (A) The "Agreement and Stipulation" dated October 24, 1972 and executed by the Permittee, Oakdale Irrigation District and South San Joaquin Irrigation District.
- (B) The agreement between the Permittee and Tuolumne County Water District No. 2 dated November 29, 1972.
- (C) The agreement dated July 31, 1972 between Permittee and Calaveras County Water District.

Reference to the above three agreements shall not be construed as a finding by the State Water Resources Control Board with respect to the rights of any of the parties involved.

(0430300)

25. This permit does not authorize the use of any water outside the counties of origin which is necessary for the development of the counties. (0000800)

26. Before making any change in the project determined by the State Water Resources Control Board to be substantial, Permittee shall submit such change to the Board for its approval in compliance with Water Code Section 10504.5(A).

(0330300)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated:

JULY 25 1983

STATE WATER RESOURCES CONTROL BOARD

Raymond J. Wall

Chief, Division of Water Rights